



Sector ~~4~~

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gary A. Bannon, A. Wesley Burks, Jr., Hugh A. Sampson, and Howard B. Sosin

Serial No.: 09/478,668

Group Art Unit: 1632

Filed: January 6, 2000

Examiner: Not yet assigned

For: *METHODS AND REAGENTS FOR DECREASING CLINICAL REACTION
TO ALLERGY*

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)
AND REQUEST FOR CORRECTED FILING RECEIPT AND REFUND**

Sir:

Responsive to the Notice of Incomplete Reply (Nonprovisional) mailed April 18, 2000, applicants enclose copies of the following, which were filed on January 6, 2000, with the above-identified application, and again on March 20, 2000, in response to the Notice to File Missing Parts of Application:

1. Executed Declaration of Inventorship from parent application U.S.S.N. 09/141,220 by Gary A. Bannon, A. Wesley Burks, Jr., Hugh A. Sampson, and Howard B. Sosin;
2. Executed Statements Claiming Small Entity Status by (a) the University of Arkansas, (b) Panacea Pharmaceuticals, LLC, and (c) Mt. Sinai School of Medicine of the City University of New York.

3. Copy of check No. 11994 in the amount of \$407.00 for the filing fee for a small entity and the fee for three claims in excess of twenty. This fee was calculated **before** the fee changes effective December 29, 1999. Applicants requested that the \$35.00 difference between \$407.00 and \$372.00 be credited to Deposit Account No. 01-2507. Applicants do not owe any additional fees. To the contrary, applicants are due a \$35.00 refund.

4. Copy of returned postcard indicating receipt by the Patent Office of the application on January 6, 2000, including the fee, executed Declaration of Inventorship and all three executed Statements Claiming Small Entity Status; and

5. Copy of returned postcard indicating receipt by the Patent Office of item Nos. 1-3 on March 20, 2000.

Applicants also enclose a copy of the Notice of Incomplete Reply (Nonprovisional) mailed April 18, 2000.

Request for Corrected Filing Receipt

Applicants previously requested a corrected Filing Receipt to correct the following Patent Office errors itemized in Nos. 1-3 below, and respectfully make a second request for a corrected Filing Receipt, with an additional error noted in Item No. 4 below:

1. Three of the four named inventors have been omitted. Please add **A. Wesley Burks, Jr., Little Rock, Arkansas; Hugh A. Sampson, Larchmont, New York, and Howard B. Sosin, Fairfield, Connecticut.**

2. Please include the residence information for inventor Gary A. Bannon, **Little Rock, Arkansas.**

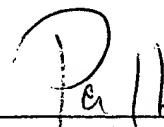
3. Most of the continuing data has been omitted. Please include the following continuing data:

60/074,590 filed February 13, 1998;
60/074,624 filed February 13, 1998;
60/074,633 filed February 13, 1998;
60/073,283 filed January 31, 1998, via 09/240,557 filed January 29, 1999,
or 09/241,101 filed January 29, 1999,
or 09/248,673 filed February 11, 1999;
PCT/US96/15222 filed September 23, 1996;
08/717,933 filed September 23, 1996.

4. Applicants also note that **the official filing date is incorrect** on the official Filing Receipt, which applicants failed to notice previously. The actual filing date for the application, as noted on the returned postcard, is January 6, 2000, not October 6, 1999. Applicants enclose a copy of the Filing Receipt with the corrections typed in for item Nos. 1-3, as submitted previously, and with the correction in item No. 4 noted in red.

The Commissioner is authorized to credit \$35.00 to Deposit Account No. 01-2507 in connection with this matter. A duplicate of this transmittal is enclosed to facilitate this process.

Respectfully submitted,


Patrea L. Pabst
Reg. No. 31,284

Date: May 4, 2000
ARNALL GOLDEN & GREGORY, LLP
2800 One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3450
404-873-8794
404-873-8795 (fax)

U.S.S.N.: 09/478,668
Filed: January 6, 2000
RESPONSE TO NOTICE OF INCOMPLETE
REPLY (NONPROVISIONAL) AND REQUEST FOR
CORRECTED FILING RECEIPT AND REFUND



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this Response to Notice of Incomplete Reply (Nonprovisional) and Request for Corrected Filing Receipt and Refund, together with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.



Teresa R. Spratt

Date: May 4, 2000

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/478,668	10/06/99 01/06/00	1632	\$372.00	HS-102-DIV	3	23	2

PATREA L PABST ESQ
ARNALL GOLDEN & GREGORY LLP
2800 ONE ATLANTIC CENTER
1201 WEST PEACHTREE STREET
ATLANTA GA 30309-3450

BEST AVAILABLE COPY

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) GARY A. BANNON, Little Rock, Arkansas; A. Wesley Burks, Jr., Little Rock, Arkansas; Hugh A. Sampson, Larchmont, New York; Howard B. Sosin, Fairfield, Connecticut
CONTINUING DATA AS CLAIMED BY APPLICANT-
THIS APPLN IS A DIV OF 09/141,220 08/27/98

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 02/16/00 ** SMALL ENTITY **
TITLE
METHODS AND REAGENTS FOR DECREASING CLINICAL REACTION TO ALLERGY

PRELIMINARY CLASS: 800

Additional Continuing Data:

60/074,590 filed February 13, 1998;
60/074,624 filed February 13, 1998;
60/074,633 filed February 13, 1998;
60/073,283 filed January 31, 1998, via 09/240,557 filed January 29, 1999,
or 09/241,101 filed January 29, 1999
or 09/248,673 filed February 11, 1999

PCT/US96/15222 filed September 23, 1996;
08/717,933 filed September 23, 1996

RECEIVED

FEB 25 2000

PATENT DEPT.

DATA ENTRY BY: ZIMMERMAN, SHUANA TEAM: 01 DATE: 02/16/00

NSE FOR FOREIGN FILING U
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "FOREIGN FILING LICENSE GRANTED" followed by a date appears on the reverse side of this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.11. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR Parts 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "FOREIGN FILING LICENSE GRANTED" DOES NOT appear on the reverse side of this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE ---- The Following Information about the Filing Receipt:

The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.

The words "new," "improved," "improvement," "improvements in or relating to" are not included as the first words in the title of an application because a patent application is, by nature, a new idea or improvement.

The title may be truncated if it consists of more than 4 lines of 70 characters each (letters and spaces combined).

The inventor information may be truncated if the family name consists of more than 25 characters (letters and spaces combined) and if the given name consists of more than 25 characters (letters and spaces combined). The inventor's residence allows for up to 40 characters (letters and spaces combined).

The docket number allows a maximum of 12 characters.

If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."

Customer Address may have been modified to conform to U.S. Postal rules.

Please direct correction, including a copy of your Filing Receipt, to:
Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

BEST AVAILABLE COPY

Arnall Golden & Gregory, LLP

PATENT OPERATING ACCOUNT
2800 ONE ATLANTIC CENTER - ATLANTA, GA 30309-3450

SunTrust Bank, Atlanta
Atlanta, Georgia

Check No.

11994

Date: 12/17/99

VOID AFTER 90 DAYS

Check Amount

\$407.00

Pay: Four hundred seven and 00/100 Dollars*****

To The Order Of: US Commissioner of Patents & Trademarks (01-2507)

01-2507
Box 16
Washington, DC 20231

TWO SIGNATURES REQUIRED
ON AMOUNTS OVER \$1000

⑈11994⑈ ⑆061000104⑆ 8801959191⑈

Vendor-Assigned Cust. No. 01-2507

Check #: 11994

Entry Date	Disb ID	Disbursement Description	Client Code	Matter Code	Amount
12/17/99	911966	Filing fees	11008	3	\$407.00
HS 102 DIV - For filing fees paid to US Patent and Trademark Office for filing divisional application (small entity)					
Disbursements Total:					\$407.00





The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicants: Gary A. Bannon, A. Wesley Burks, Jr., Hugh A. Sampson,
and Howard B. Sosin

Serial & Docket Nos.: Divisional of U.S.S.N. 09/141,220 HS 102 DIV

Filed: January 6, 2000

Papers Submitted: Express Mail Label No.: EL320554231US

Request for Filing a Divisional Application Under 37 C.F.R. § 1.53(b) and Certificate of Mailing Under 37 C.F.R. § 1.10 (in duplicate); Preliminary Amendment; Information Disclosure Statement; copies from prior application, U.S.S.N. 09/141,220, of: (1) application, including 1 page of Abstract, 29 pages of Specification, and 5 pages of claims; (2) 19 pages of sequence listing; (3) executed Substitute Declaration filed September 2, 1999; (4) executed Statements Claiming Small Entity Status by each of University of Arkansas, Mt. Sinai School of Medicine of the City University of New York, and Panacea Pharmaceuticals, LLC; (5) executed Statements Under 37 C.F.R. § 3.73(b) by each of University of Arkansas, Mt. Sinai School of Medicine of the City University of New York, and Panacea Pharmaceuticals, LLC; (6) executed Assignment from A. Wesley Burks, Jr. and Gary A. Bannon to University of Arkansas; (7) executed Assignment from Hugh A. Sampson to Mt. Sinai School of Medicine of the City University of New York; (8) executed Assignment from Howard Sosin to Panacea Pharmaceuticals, Inc.; and (9) 3 sheets of formal drawings; Fee Transmittal Form (PTO-SB/17); Utility Patent Application Transmittal (PTO/SB/05); check for \$407.00 for filing fee; authorization to credit Deposit Account for \$35.00; and authorization to charge Deposit Account

Date: January 6, 2000

By: Patrea L. Pabst, Reg. No. 31,284

jc511 U.S. PTO

09/478668

Client/Matter No.: 11008/43



The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicants: Gary A. Bannon, A. Wesley Burks, Jr., Hugh A. Sampson,
and Howard B. Sosin

Serial & Docket Nos.: 09/478,668

HS 102 DIV

Filed: October 6, 1999

Papers Submitted:

Response to Notice to File Missing Parts of Application and Request for Corrected Filing Receipt with Certificate of Mailing Under 37 C.F.R. § 1.8(a) (in duplicate); copies of (1) executed Declaration of Inventorship from parent application U.S.S.N. 09/141,220; and (2) returned postcard showing receipt of same by the Patent Office on January 6, 2000; Form PTO-1533; copy of Official Filing Receipt with corrections typed in; and authorization to charge Deposit Account

Date: March 14, 2000

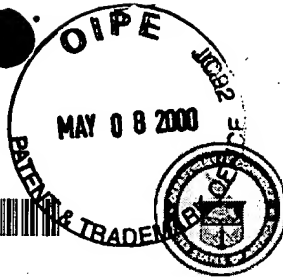
Client/Matter No.: 11008/43

By: Patrea L. Pabst, Reg. No. 31,284

FORMALITIES LETTER



OC00000005058127

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/478,668	10/06/1999	GARY A. BANNON	HS-102-DIV

PATREA L PABST ESQ
ARNALL GOLDEN & GREGORY LLP
2800 ONE ATLANTIC CENTER
1201 WEST PEACHTREE STREET
ATLANTA, GA 303093450

Date Mailed: 04/18/2000

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 03/20/2000 to the Notice to File Missing Parts (Notice) mailed 02/16/2000 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The statutory basic filing fee is insufficient.
Applicant must submit \$ 35 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 was not received.
- **The balance due by applicant is \$ 35.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/22/2000 ASHLE 00000127 09478668

01 FC:205 65.00 CH

01/24/2000 LURSHING 00000046 09478668

01 FC:201 345.00 OP
02 FC:203 27.00 OP